

## Message Text

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DRAFTED BY EUR/EE:MHAVANHEUVEN:LM  
APPROVED BY EUR - J. A. ARMITAGE  
EUR/EE - MR. HOUSTON  
S/FW/COA - CMDR. WELLING

----- 123829

R 010027Z MAY 74  
FM SECSTATE WASHDC  
TO AMEMBASSY BUCHAREST

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E.O. 11652: N/A  
TAGS: EFIS, RO  
SUBJECT: ROMANIAN TRAWLER INAU

REF: STATE 77218

1. DEPUTY ASSISTANT SECRETARY ARMITAGE SAW ROMANIAN DCM  
IONITA AT LATTER'S REQUEST ON APRIL 29 TO DISCUSS INAU  
CASE. IONITA BEGAN LENGTHY PRESENTATION BY NOTING ECONOMIC  
LOSS OF HAVING SHIP IN PORT. HE SAID THE CASE HAD BEEN  
CAREFULLY ANALYZED BY THEIR AMERICAN COUNSEL (HIRED BY  
NAVROM). THIS HAD LED THEM TO CONCLUDE THAT THIS WAS A  
CASE OF FORCE MAJEURE: TECHNICAL TROUBLES WITH THE  
WINCHES HAD MADE IT IMPOSSIBLE TO MANEUVER THE NETS WHICH,  
THOUGH IN THE WATER, WERE NOT IN A FISHING POSITION.  
TESTIMONY OF WITNESSES, ACCORDING TO IONITA, CORROBORATED  
THE FACT THAT INAU WAS NOT FISHING. THERE HAD BEEN ONLY  
250 LBS. OF FISH IN THE NETS. HOWEVER, IN VIEW OF THE  
SUBSTANTIAL ECONOMIC LOSS, WHICH IONITA ESTIMATED AT 15,000  
DOLS. DAILY, NAVROM HAD DECIDED TO SETTLE THE CIVILIAN  
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CASE AGAINST THE SHIP AND HAD AUTHORIZED AMERICAN

COUNSEL TO MAKE AN OFFER TO U.S.DISTRICT ATTORNEY FOR OUT-OF-COURT SETTLEMENT OF 25,000 DOLS.,ON CONDITION THAT THIS WOULD CLOSE CIVILIAN CASE AGAINST THE VESSEL AND THAT CRIMINAL CHARGES AGAINST THE MASTER BE WITHDRAWN. IONITA THOUGHT THIS WAS FORTHCOMING OFFER WHICH HE STRONGLY SUPPORTED. HE ASKED ARMITAGE IF THE DEPARTMENT COULD USE ITS

INFLUENCE IN THE GOVERNMENT TO URGE SETTLEMENT OF THE CASE ON THIS BASIS.

2. ARMITAGE AGREED THE CASE HAD DRAGGED ON MUCH TOO LONG AND IT WOULD BE HELPFUL IF IT COULD BE SETTLED OUT OF COURT. DRAWING IONITA'S ATTENTION TO THE FACT THAT WE CONTINUE TO BE TOLD BY JUSTICE THAT THE DISTRICT ATTORNEY BELIEVES HE HAS A VERY SOUND CASE -- AN IMPRESSION EVIDENTLY AT VARIANCE FROM THE ONE WHICH THE ROMANIANS SEEM TO HAVE BEEN RECEIVING -- ARMITAGE NOTED THAT IN OUR EXPERIENCE CASES SUCH AS THIS HAD USUALLY BEEN SETTLED OUT-OF-COURT WITH A MINIMUM LOSS OF TIME. ARMITAGE THEN MADE THE POINT THAT WE COULD NOT MAKE THESE CASES POLITICAL, AND THAT TO INTERPOSE THE DEPARTMENT AT THIS JUNCTURE INTO THE JUDICIAL PROCESS WOULD AMOUNT TO GETTING INTO HIGHLY SENSITIVE MATTERS LIKELY TO LEAD TO A RESULT OPPOSITE TO THAT INTENDED. THERE IS CONSIDERABLE SENSITIVITY IN THIS COUNTRY ABOUT FOREIGN FISHING OFF U.S. SHORES, ARMITAGE SAID, AND RESENTMENT OVER ANY ATTEMPT OF DEPT. TO GET INVOLVED IN JUSTICIABLE CASE WOULD BE CONSIDERABLE. ARMITAGE ALSO MADE THE POINT THAT IT WOULD BE PRUDENT FOR THE ROMANIANS TO CHECK THROUGH THEIR LAWYERS TO BE SURE THAT THEY WOULD NOT BE RUNNING OUT OF TIME IN WHICH TO WORK OUT AN OUT-OF-COURT SETTLEMENT. ARMITAGE CONCLUDED THAT HE HOPED THE ROMANIANS WOULD VERY SOON BE ABLE TO REACH A SETTLEMENT WHICH WOULD ALLOW THE SHIP TO SAIL.

3. IONITA COMPLAINED ABOUT THE SIZE OF THE AMOUNT - 125,000 DOLS.-WHICH THE DISTRICT ATTORNEY SEEMED TO HAVE BEEN ASKING FOR. ARMITAGE NOTED THIS AMOUNT WAS IDENTICAL TO THAT OF A RECENT BULGARIAN CASE, POINTING OUT THAT NEGOTIATION OF SETTLEMENT IN THAT CASE HAD MADE IT POSSIBLE FOR BULGARIAN VESSEL TO DEPART WITHIN TEN DAYS AFTER DETENTION. ARMITAGE NOTED THAT IN ONE OTHER CASE THIS YEAR - INVOLVING A SECOND VIOLATION - THE FINE HAD BEEN NEARLY DOUBLE. IONITA RETURNED TO THE THEME THAT SOMEHOW THERE SHOULD BE WAYS THAT THE DEPARTMENT -- WITHOUT ACTUALLY INTERFERING IN THE CASE-- WOULD BE ABLE TO BRING ITS INFLUENCE TO BEAR SO AS TO MAKE THE ROMANIAN OFFER ACCEPTABLE TO THE DISTRICT ATTORNEY. CONFIRMING

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THAT THE ROMANIANS NOW WISHED TO SETTLE THE CASE QUICKLY, HE DETOURED INTO A REVIEW OF THE FACTS: THE VESSEL HAD BEEN BUSY WITH REPAIRS -- SO BUSY, IN FACT, IT HAD NOT EVEN SENT AN SOS -- WIND AND CURRENTS HAD DRIVEN IT ACROSS THE LINE, AND IT HAD NOT BEEN FISHING. HE AGAIN PLEADED FOR HELP TO SETTLE THE CASE ON ROMANIAN TERMS.

4. ARMITAGE REITERATED OUR DESIRE TO HAVE THE CASE SETTLED, BUT AGAIN POINTED OUT THAT IT WOULD BE CONTRARY TO POLICY AND UNWISE AS WELL IF WE WERE NOW TO GET INVOLVED IN A WAY THE ROMANIANS APPEARED TO BE SUGGESTING. THE CASE HAD BEEN PROCEEDING FOR OVER A MONTH, IT WAS BEFORE THE COURT AND IT OUGHT TO BE SETTLED UNDER THE JURISDICTION OF THE COURT. IONITA RESPONDED BY DESCRIBING HIS DIFFICULTIES IN CONVINCING NAVROM EVEN TO AUTHORIZE THE OFFER THAT HAD BEEN MADE. HE SAID IT HAD BEEN VERY DIFFICULT TO BRING BUCHAREST AROUND. ROMANIAN CONSUL EDU CHIMED IN TO SAY THAT HAD THE ROMANIANS BEEN FISHING ILLEGALLY THEY WOULD HAVE PAID 125,000 DOLS. A LONG TIME AGO. THEY HAD NOT DONE SO BECAUSE THERE WAS NO FISHING NOR ANY INTENTION TO FISH. IT WAS A CASE OF FORCE MAJEURE AND OF DISTRESS. THE 25,000 DOLS OFFER WAS DESIGNED TO COVER THE EXPENSES WHICH THE ROMANIANS REALIZED THE U.S. HAD INCURRED IN THIS CASE.

5. ARMITAGE ONCE AGAIN STRESSED THAT IT WOULD BE A MISTAKE FOR THE DEPARTMENT TO FOLLOW THE COURSE SUGGESTED BY THE ROMANIANS AND STRONGLY URGED, ON A PERSONAL BASIS, THAT THE ROMANIANS FIND OUT FROM THEIR LAWYERS HOW LONG THE PROCESS OF NEGOTIATION WOULD BE LIKELY TO CONTINUE SO AS TO AVOID BEING CAUGHT IN A SITUATION WHERE PRE-TRIAL SETTLEMENT WOULD NO LONGER BE AN AVAILABLE OPTION.  
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6. FYI. SEVERAL HOURS BEFORE IONITA CALLED, WE LEARNED THAT AT CONFERENCE IN THE DISTRICT COURT INVOLVING THE JUDGE AND THE ATTORNEYS FOR BOTH SIDES THE TRIAL DATE FOR THE CASE AGAINST THE VESSEL HAD BEEN SET FOR JUNE 17, WITH THE CRIMINAL CASE AGAINST THE MASTER BEING HELD FOR TRIAL SOME TIME EARLY AUGUST. DEFENSE COUNSEL HAD OFFERED SHARP OBJECTIONS BUT THE JUDGE HAD FIRMLY STUCK TO THIS SCHEDULE. WE WERE ALSO INFORMED THAT THE DISTRICT ATTORNEY IS REFUSING THE ROMANIAN OFFER -- INFORMATION EVIDENTLY NOT YET AVAILABLE TO IONITA WHEN HE SAW ARMITAGE LATER DURING THE DAY. END FYI.

7. VESSEL HAS NOW BEEN MOVED TO COMMERCIAL BERTH IN CUSTODY OF U.S. MARSHALL. CREW ABLE TO GO ASHORE. ONLY

PUBLICITY OF WHICH WE ARE AWARE IS FACTUAL ACCOUNT IN  
APRIL 24 ISSUE OF BALTIMORE SUN WHICH ALSO EMPHASIZES  
ROMANIAN ASSERTION THAT SHIP NOT ACTUALLY FISHING. RUSH

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